

IMPLEMENTATION COMMITTEE MEETING SUMMARY
3/11/96



CR/FY-96 UCRRIC
Mail Stop 65115
Memorandum

To: Implementation Committee
Management Committee, Consultants, and Interested Parties
Meeting Attendees

From: Director, Colorado River Recovery Implementation Program

Subject: Draft March 11, 1996, Recovery Implementation Committee Meeting Summary

Attached are the draft action and assignment summary and the general meeting summary from the recent Implementation Committee meeting. Please review these documents and contact Angela Kantola (ext. 221) or myself (ext. 223) if you think any changes are necessary. If I do not receive your comments by April 26, 1996, I will finalize and distribute the summary to all parties interested in the Recovery Program.

Attachment

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- Final Summary -

Actions and Assignments

Recovery Implementation Committee--March 11, 1996

COMMITTEE ACTIONS:

1. Approved the September meeting summary with minor revisions to pages 2, 3, 4, and 6.
2. Approved RIPRAP changes with the recommended revisions.
3. Agreed to study the effects of peak flows in FY 96 using flooded Bottomland restoration program funds. The extent of the studies will depend on the magnitude of the

flows.

4. Approved FY 97 Program Guidance with the recommended revisions.

ASSIGNMENTS:

1. The Management Committee will get input from Reclamation, the Service, and Western Area Power Administration and then give some thought over the next several months as to how NEPA will be conducted for Flaming Gorge.

2. The Service, Reclamation, the Program Director's office, and the Biology Committee will work out details of the Flaming Gorge peak flow evaluation study.

3. The Management Committee (or subgroup) will draft a proposal (for Implementation Committee approval) for developing a water strategy addressing potential sources of water for the endangered fish and the barriers to protecting such water.

4. The Service, Reclamation, and Colorado will assess the pro's and con's of a public dedication of the Redlands fish ladder.

5. Ralph Morgenweck will find out if Secretary Bruce Babbitt would like to attend the Redlands fish passage dedication.

6. The Service will look into the implications of the hybrid policy for the Recovery Program.

- Final Summary -

Colorado River Recovery Implementation Committee

March 11, 1996 Meeting

Attendees:

IMPLEMENTATION COMMITTEE MEMBERS:

Ralph Morgenweck, U.S. Fish and Wildlife Service (Chairman)

Charley Calhoun, U.S. Bureau of Reclamation

Peter Evans for Jim Lochhead, Colorado Department of Natural Resources

(Jim arrived later)

Dave Sabo, Western Area Power Administration

Dan Luecke, Environmental Defense Fund

Tom Pitts, Upper Basin Water Users

Barry Saunders for Ted Stewart, Utah Department of Natural Resources

Jeff Fassett, State of Wyoming

Joe Hunter, Colorado River Energy Distributors Association (nonvoting)

John Hamill, U.S. Fish and Wildlife Service (Program Director) (nonvoting)

OTHERS:

Larry Shanks, U.S. Fish and Wildlife Service

Bob Williams, U.S. Fish and Wildlife Service

Jack Garner, U.S. Bureau of Reclamation

Angela Kantola, U.S. Fish and Wildlife Service, Recovery Program

John Shields, Wyoming State Engineer's Office

Larry Clever, Ute Water Conservancy District

Charlie Stockton, Ute Water Conservancy District

Brent Uilenberg, U.S. Bureau of Reclamation

Larry Crist, U.S. Bureau of Reclamation

Ray Tenney, Colorado River Water Conservation District

Margot Zallen, U.S. Department of the Interior Solicitor's Office

Jenny McCurdy, Denver Water

Connie Young, U.S. Fish and Wildlife Service, Recovery Program

Convene: 9:20 a.m.

Major Topics Discussed/Decided:

1. Introductions, Review/Modify Agenda: The agenda was modified as it appears below.

2. Approve September 1995, Implementation Committee Summary: The Committee approved the final summary with minor revisions on page 2, 3, 4, and 6. (See Attachment 1 for the revised final summary.)

3. Review/Approve Proposed Changes to RIPRAP: John Hamill outlined proposed revisions, which include:

Revision of due dates and process that will be used to finalize the Nonnative Stocking Procedures.

Revisions reflecting the approved flooded bottomland restoration program.

Revisions reflecting the Yampa River Operation and Management Plan process.

Change of the Ruedi Reservoir agreement from a 15-year interim agreement to a short-term agreement for the next 1 to 3 years, followed by a longer-term agreement.

A revised schedule for completing the Aspinall studies and consultation.

Tom Pitts suggested the following changes:

Page 26 - add a step to the interim management objectives for Implementation Committee and Service approval. Agreed.

Page 29 - separate construction and evaluation of levee breaching (also on page 44 and wherever else it occurs). Agreed.

Page 30 - Tom said he is concerned that the goal of 1,000 razorback adults in the Green River over the next 4 years is not high enough. Although he understands we have facility limitations, he hopes to see that goal raised and believes it should be reevaluated when the interim management objectives are completed.

Page 40 - the Ruedi Reservoir short-term lease should have a due date. Peter Evans said Colorado would like the longer term agreement date to be moved out to December 1997 (and have the short-term lease continue until that time). Jack Garner noted that the maximum amount of additional water available is 20-21KAF; so the text should read "up to" 21,650." The long-term agreement status column should include a note that it is legislation dependent. Agreed.

Page 47 - Aspinall Schedule - John Hamill's March 5 memo proposes a revised schedule. Brent Uilenberg noted that when the biological opinion is finalized, Reclamation's ability to deliver water under the existing contract ends. Therefore, NEPA compliance, the biological opinion, and the long-term contract need to be completed about the same time.

Given this fact, the Committee agreed to starting the NEPA process with a draft biological opinion. Instead of a final opinion in May 1998 as reflected in John's memo, the final opinion will be completed in June 1999 (as will the executed contract). Barry Saunders asked that more detail on the NEPA dates be added to the schedule. John Hamill agreed. Tom Pitts noted that the dates on pages 47 and 48 (enter into contract & deliver flows) also need to be changes to reflect the new June 1999 deadline.

John Hamill noted that the issue of biological opinion and NEPA timing could also be raised with relation to Flaming Gorge. Bob Williams said Reclamation and the Service already are preparing for NEPA. Charley Calhoun said NEPA compliance won't be required if the recommended flows are within the range of normal operations. Joe Hunter countered that CREDA will encourage Reclamation to do NEPA compliance in any case. Dave Sabo recommended that we not determine right now whether or not NEPA is required. The Implementation Committee agreed and asked the Management Committee to get input from Reclamation, the Service, and Western Area Power Administration and to then give some thought over the next several months as to how NEPA will be conducted for Flaming Gorge.

Peter Evans noted that the "administrative process" line under Juniper conditional decrees on page 31 should be deleted because this activity has been folded into NEPA compliance on the Yampa River operation and management plan.

The Committee approved the RIPRAP changes with the above revisions.

4. Review/Approve Proposed FY 97 Program Guidance: John Hamill outlined Program guidance for FY 97, noting that it contains only a few new initiatives, and is primarily a continuation of ongoing activities. The Program guidance process is one of soliciting proposals and does not commit us to funding at this point. John said he expects \$300-400K to be available for new projects in FY 97. The guidance seeks proposals for the following new activities:

Refine Yampa River flow recommendations and start developing a long-term data base.

Refine and evaluate Flaming Gorge peak flows - this was proposed by the Service, not approved by the Management Committee, but has been revised at that committee's request.

Several nonnative fish pilot control studies to implement the highest priority activities identified in the Nonnative Fish Control Strategy.

Use of Old Charlie Wash to control carp.

An investigation and report on the feasibility of implementing a geographic information system in the Program.

Participation in public information exhibits about the endangered fish at the natural history museum in Vernal and at the Glen Canyon National Recreation Area.

Implementation of internet electronic communications in the Program.

Bob Williams outlined the Service's proposal to evaluate Flaming Gorge peak flows (a high spring peak that likely would be called for once in every 7-10 years). The Service would like to do the evaluation this year if we get a high enough flow (and has submitted a contingency study plan to do so), otherwise recommends doing in the future. The Implementation Committee discussed the Service's proposal at length and agreed that:

1. If we get peak flows in FY 96, we'll study their effects using flooded bottomland restoration program funds. The extent of the studies will depend on the magnitude of the flows. If we get maximum flows in the 24,000-25,000cfs range, we'll do all the proposed work; if the flows are high (at least 20,000cfs), but below the desired peak, the studies will be scaled back. Details of the study plan will be worked out in coordination with the Service, Reclamation, the Program Director's office, and the Biology Committee.
2. The Service's proposal (both for FY 96 contingency funding and FY 97 Program guidance) should be reorganized and refined. FY 97 guidance on Flaming Gorge peak flows should be in three parts: flood assessment (aerial photography) on peak flows, long-term monitoring, and study of Lodore Canyon when the bypass tubes are used.

Tom Pitts suggested the following changes to Program guidance:

Page II-1: Levee removal and evaluation - Scope of work should be broken out removal versus evaluation. Agreed.

Page II-1: Basinwide razorback monitoring/evaluation - The water users believe this is an inappropriate use of capital funds and should come from annual funds. Brent Uilenberg asked if the Management Committee hadn't previously agreed that this monitoring would go under the ISMP and annual funds beginning in FY 97. John Hamill said he thought that was correct.

Page III-1: The description of the nonnative strategic plan makes it sound like just another research program, not an action plan. John Hamill replied that the strategic plan is an action plan that identifies what we need to do to control nonnative fishes (in priority order). John said he would revise the text to accurately reflect that. Tom said he has similar concerns about carp control project (page III-2), noting that it seems like a repeat of last year's work. John Hamill said that the work will provide follow-up on the effects of carp removal on localized carp populations. The Biology Committee thought it would be good to get a proposal on this to better evaluate whether it is a good idea.

Page I-1 - Coordinated Reservoir Operations seems to have become more of a meeting of interested parties to explore opportunities and to reoperate reservoirs, there doesn't seem to be much modeling involved now. Tom said he wonders if \$200,000 is still justified. The Committee agreed that this should be moved to the "ongoing needing revision" section and we should ask for more detail as to how the funds are being spent.

Peter Evans commented that since the pilot nonnative fish removal on page III-4 is dependent on what comes out of the control strategy planning process, it's hard to say just what we're asking people to propose. John Hamill said the draft strategy will be out for broad review in March, it will contain specific recommended activities, and investigators would be expected to write proposals based on that.

The Implementation Committee approved the FY 97 Program Guidance with the foregoing changes.

5. Section 7 Consultation:

a. Section 7 project update - Larry Shanks provided an updated table (Attachment 2).

b. FWS Sufficient Progress Determination - The Committee discussed Ralph Morgenweck's March 7, 1996 memo (Attachment 3) and the list of missed RIPRAP items and proposed revised schedules.

1) Nonnative Stocking Procedures - Dan said that the environmental groups are not willing to accept that NEPA compliance on the Procedures will only require an environmental assessment (EA). A full environmental impact statement (EIS) may be needed, and the current schedule doesn't accommodate that. Ralph expressed concern that the Committee may be at the same impasse as last August and said he believes we have to get past that point. Dan and Peter agreed to get the Sierra Club Legal Defense Fund and Eddie Kochman (respectively) to come to agreement on the Procedures.

2) Steamboat Lake Decree - John Hamill said that CWCB and Parks will file jointly for the decree change, the contract is in the final stages of development, and it should be in place by the end of July.

3) Ruedi Agreement - Already discussed. A short-term agreement has been proposed (June 1996) until a longer term agreement can be reached.

4) Collbran Contract - The Ute District has asked that Reclamation transfer ownership of this project to them, so it is on indefinite hold. Peter said the more he learns, the more questionable he thinks the goal of 3,000 acre-feet from this project was. Margot Zallen noted that this project had represented an opportunity to provide permanent, senior water to the 15-Mile Reach.

5) Silt Contract - Revised due date September 1997.

6) Northern Pike Removal - The Program Director has recommended implementing higher priority items in FY 97, and implementing pike removal in FY 98.

7) Final Decree for the 581cfs Filing - Margot said she's optimistic we can reach agreement with the major objectors by June 1996, but she's not sure an agreement can be reached with conditional water rights holders and others. Thus, we will likely end up in court unless these other objectors can be persuaded to pull back.

Ralph said the Service's biggest concern is that we're running out of options to provide and protect needed flows. Items 1, 2, 3, and 6 have new deadlines that we believe can be attained and should be back on track soon. Items 4, 5, and 7 are part of the larger question as to whether the Program can protect adequate water for the fish. Jeff Fassett said he understands the Service's frustration with the progress in obtaining water for the 15-Mile Reach. He's not surprised these projects have experienced some delay given how long and difficult it is to complete water projects of any kind presently, but he thinks they're still doable. Brent Uilenberg noted that options to protect flows are still being identified, such as in the Grand Valley Water Management study. Charley said he recently reminded Reclamation of their priority to find and protect water in the 15-Mile Reach and he would like to see the Service and the States show an equivalent commitment to managing nonnative fishes.

After some discussion, the Committee agreed that the Program seems to need a water strategy addressing potential sources of water for the fish and barriers to protecting that water. Peter added that we also need a broader discussion of how all the various activities (flow protection, fish passage, nonnative mgmt., etc.) in the Colorado basin (esp. the 15-Mile Reach) relate to each other. Peter suggested that the Management Committee could develop a proposal and sideboards for developing the strategy, but may not be the appropriate group to develop the strategy itself. The Management Committee (or a

subgroup) will begin that process and report to the Implementation Committee on May 21st.

Ralph summarized that he believes items 4 and 5 can be addressed in the aforementioned water strategy. Item 7 is dependent on reaching agreement with those who want to negotiate. The Program needs to aim for the deadlines in items 1, 2, 3, and 6. Ralph is contemplating a lower threshold for sufficient progress until those four items are achieved, then he believes we could go back to the 3,000af threshold.

Tom Pitts said the water users don't think that the Service is adequately considering what has been accomplished (especially in comparison to what could be accomplished without the Program).

John Shields noted that items 1-7 aren't the only shortfalls in the Program (flooded bottomlands progress would be an example of another).

c. Proposed Changes to Section 7 Agreement - John Hamill reviewed changes proposed by the ad hoc long-term funding group (via their discussions of greater certainty of favorable biological opinions in exchange for long-term funding). The major changes proposed are:

Restructuring the agreement to make it more accurately reflect process we use.

More clearly defining the process the Service will use when proposing amendments to RIPRAP as the result of consultation.

All the issues regarding the revisions have been resolved with exception of:

The Service's proposal to work with project proponents early in the process to help them design projects with minimum impact.

Additional clarification as to what the Service would consider in making its annual assessment of sufficient progress.

Tom Pitts is working on resolving these last two issues, and plans to have something for the Management Committee to consider at end of March, then it would go to the Implementation Committee for action after that.

6. Long-Term Funding for the Recovery Program: John Hamill said the ad hoc group met March 5 and agreed that: a) the States' contributions (estimated at up to \$17M) should be considered secure (although Colorado expressed some concern about providing it's portion); b) the question as to the source of Federal funding should be elevated to Interior; c) McAuliffe's draft bill will be written up so both the crediting and noncrediting options for use of power revenues are included; and d) the bill will be redrafted by March 15, then Program participants will "shop it around" to build consensus. The States have agreed to try to get support letters from their governors by June (and the bill will be submitted in June). One more meeting is scheduled on May 23, and that should be the last one before the bill goes to Congress.

7. Washington, D.C. Briefing: (Week of March 18.) Tom Pitts said the strategy on capital funds will be to ask for \$7.9M with some idea that we won't be expected to match that in FY 97. Charley Calhoun said Reclamation probably will support that strategy as long as it

doesn't jeopardize their position on the need for cost-sharing in the future. Apparently, not all of the \$7.9M is for the Recovery Program, so that number will be deleted from the briefing book and support letters for now.

8. Recovery Program Update/Miscellaneous Topics

Yampa River O&M Plan - John Hamill said agreement has been reached to move forward with the NEPA process and look at broad spectrum of alternatives to meet the needs of the endangered fish and people in the Yampa Basin.

Field/River Trip - John Hamill outlined plans for a field and/or river trip in the Grand Valley that would showcase on-the-ground activities like Redlands fish passage, floodplain restoration, hatchery facilities, Grand Valley water management, and others, then be followed by a 2-day river trip through Black Rocks and Westwater. The focus would be on the Implementation Committee and key people from Washington, which would dovetail nicely with the push for long-term funding. Dave Sabo and Jeff Fassett said they would be interested in going.

Redlands Dedication - John discussed a proposed opening ceremony. The Service, Reclamation, and Colorado will assess the pro's and con's of a public dedication of the Redlands fish ladder. Ralph said he will see if Secretary Babbitt would like to attend. Another alternative would be to have the Secretary come for the Grand Valley tour and river trip and invite media to cover that.

Service Hybridization Policy - Pitts asked about the implications of this policy is for the Recovery Program. Larry Shanks said it's primarily aimed at captive propagation, but wild species are protected if they look more like the listed species. The Service will look into the implications further.

9. Meeting Summary: Angela Kantola summarized meeting actions and assignments.

10. Next Meeting: May 21, 1996, 9 a.m. - 4 p.m., Fish and Wildlife Service, Denver.

Adjourn: 3:50 p.m. b n

[TOP OF PAGE](#)